

McCormick, Barstow, Sheppard,  
Wayte & Carruth LLP  
James P. Wagoner, #58553  
*jim.wagoner@mccormickbarstow.com*  
Nicholas H. Rasmussen, #285736  
*nrasmussen@mccormickbarstow.com*  
Graham A Van Leuven, #295599  
*graham.vanleuven@mccormickbarstow.com*  
7647 North Fresno Street  
Fresno, California 93720  
Telephone: (559) 433-1300  
Facsimile: (559) 433-2300

Attorneys for Defendant, Counterclaimant  
and Plaintiff New York Marine and  
General Insurance Company

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

NEW YORK MARINE AND  
GENERAL INSURANCE COMPANY,  
a New York corporation,,

Plaintiff,

v.

AMBER HEARD, an individual,,  
Defendant.

AMBER HEARD, an individual,  
Counter-Claimant

v.

NEW YORK MARINE AND  
GENERAL INSURANCE COMPANY,  
a New York Corporation,

Counter-Defendant

Case No. 2:22-CV-04685-GW (PDx)

Consolidated for Pre-Trial Purposes  
with 2:21-cv-5832-GW (PDx)

**JOINT STATUS REPORT**

Hon. George H. Wu

1 Pursuant to the Court’s August 14, 2023 Minute Order, Plaintiff and Counter-  
2 Defendant New York Marine and General Insurance Company (“NY Marine”) and  
3 Defendant Amber Heard<sup>1</sup> have met and conferred with regard to scheduling for this  
4 matter and by and through their undersigned counsel, and hereby submit this Joint  
5 Scheduling Report. (ECF 75.)

6 On March 13, 2023, the Court granted NY Marine’s motion to dismiss Heard’s  
7 Counterclaim against NY Marine, with leave to amend. (ECF 47). Heard subsequently  
8 declined to amend her Counterclaim. (*See generally*, Dkt.) On August 14, 2023, the  
9 Court granted Heard’s motion for judgment on the pleadings as to NY Marine’s First  
10 Amended Complaint with leave to amend. (ECF 75). On August 28, 2023, NY Marine  
11 filed a Second Amended Complaint (“SAC”), asserting an amended third cause of  
12 action for “Declaratory Relief As To Plaintiff’s Duty To Defend Heard in the  
13 Underlying Action [Under] the Policy [California Insurance Code § 533]”, and an  
14 amended fourth cause of action for “Declaratory Relief As To Plaintiff’s Duty To  
15 Defend Heard in the Underlying Action Under The Policy [Conditions]”. (ECF 76).

16 On September 6, 2023, Heard filed a motion to dismiss NY Marine’s SAC.  
17 (ECF 78). NY Marine will oppose the motion and its Opposition is due on  
18 September 21, 2023. The motion is scheduled to be heard on October 12, 2023.

19 In the event that NY Marine’s SAC is not dismissed, the Parties propose the  
20

---

21 <sup>1</sup> As the Court is aware, on August 21, 2023, Travelers Commercial Insurance  
22 Company (“Travelers”), the Plaintiff and Counter-Defendant in the related,  
23 consolidated action entitled *Travelers Commercial Insurance Company v. New York*  
24 *Marine and General Insurance Company*, U.S.D.C. Case no. 2:21-cv-5832-GW  
25 (PDx), and Defendant and Counterclaimant in that action, NY Marine, mediated their  
26 dispute on August 21, 2023, with Bruce A. Freidman at JAMS, Inc. Subsequent to  
27 that mediation, as indicated in Travelers’ September 8, 2023 Notice of Settlement,  
28 Travelers and NY Marine have resolved their dispute, pending a final settlement  
agreement and release. On August 11, 2023, the Court vacated all deadlines in that  
action pending dismissal or a November 9, 2023 hearing. Accordingly, the parties  
have not included Travelers in the present Joint Report.

following pretrial timeline:

Date	Event
2/2/2024	Deadline to hold private mediation
2/16/2024	Deadline to notify court of result of mediation in joint report regarding settlement
3/08/2024	Post-Mediation Status Conference
3/22/2024	Non-Expert Discovery Cut-Off
4/26/2024	Expert Disclosure (Initial)
5/10/2023	Expert Disclosure (Rebuttal)
5/31/2024	Expert Discovery Cut-Off
06/15/2024	Last day to file all motions (including discovery motions)
07/31/2024	Pre-Trial Conference

Dated: September 19, 2023

McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP

By: /s/ James P. Wagoner

James P. Wagoner  
Nicholas H. Rasmussen  
Graham A. Van Leuven

Attorneys for Defendant, Counterclaimant, and  
Plaintiff New York Marine and General  
Insurance Company

Dated: September 19, 2023

PASICH LLP

By: /s/ Owen Monkemeier

Kirk Pasich  
Owen Monkemeier  
Attorneys for Defendant Amber Heard

9371799.1

**PROOF OF SERVICE**

**New York Marine and General Insurance Company v. Amber Heard**  
**USDC Central District of California, Case No. 2:22-cv-04685-GW-PD**

**STATE OF CALIFORNIA, COUNTY OF FRESNO**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Fresno, State of California. My business address is 7647 North Fresno Street, Fresno, CA 93720.

On September 19, 2023, I served true copies of the following document(s) described as **JOINT STATUS REPORT** on the interested parties in this action as follows:

Kirk A. Pasich  
Owen Monkemeier  
Pasich LLP  
10880 Wilshire Blvd., Suite 2000  
Telephone: (424) 313-7890  
krobinson@pasichllp.com  
omonkemeier@pasichllp.com

*Attorneys for Defendant and Counter  
Claimant Amber Heard*

John T. Brooks  
Andrea S. Warren  
Jeffrey V. Commisso  
Sheppard, Mullin, Richter & Hampton  
LLP  
501 W. Broadway, 19<sup>th</sup> Floor  
San Diego, CA 92101  
Telephone: (619) 338-6500  
Email: jbrooks@sheppardmullin.com  
Email: awaren@sheppardmullin.com  
Email: icommisso@sheppardmullin.com

*Attorneys for Movant Travelers  
Commercial Insurance Company*

Courtesy Copy via Email

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on September 19, 2023, at Fresno, California.

/s/ Heather Ward

Heather Ward